

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claims 1 and 6 have been amended.

Based on the foregoing amendments and the following remarks, the application is deemed to be condition for allowance, and action to that end is respectfully requested.

The Examiner rejected Claim 1, the only independent claim in this application, together with Claims 2, 3, 8, and 12, under 35 U.S.C. § 102(C) as being anticipated by German reference DE-100 17763 A1 (corresponds to U.S. Patent No. 6,457,910, also cited). It is respectfully submitted that Claim 1 and claims dependent thereon are patentable over Ludwig et al., U.S. Patent No. 6,457,910 (Ludwig).

Specifically, Claim 1 recites a suction channel which is defined by space between the inner wall of the receiving body and the outer wall of the inner tube.

As explained in the specification, the suction channel serves for removing drillings. No such suction channel is disclosed in Ludwig '910.

In Ludwig '910, the channel (29) is sealed, at its end opposite its end facing in the setting direction, with a spacer (27) (column 4, lines 53-59) and cannot be used for suctioning drillings. The channel (29) is designed for communicating the mortar mass to the outlet opening (23) (column 5, lines 44-45). The sealing of the opposite end should prevent the mortar mass from flowing outside of the bore.

According to the present invention, the mortar mass is delivered through a channel section (29) which is located within the inner tube (21), with the suction channel (22) being closed to prevent penetration of the mortar mass into the suction channel (22) (page 19, lines 1-4 from the bottom of the page).

From the foregoing discussion, it should be clear that Ludwig's '910 neither anticipates nor makes or views the present invention, as defined by Claim 1, and Claim 1 is, therefore, unpatentable over Ludwig 910.

Claims 2-13 depend on Claim 1 and are likewise submitted to be allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



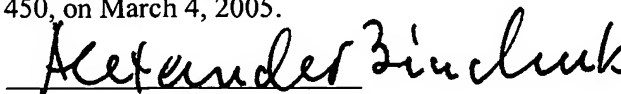
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450, on March 4, 2005.


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